

INTRODUCTION OF THE CRIME
VICTIMS ASSISTANCE ACT OF 2003

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. NORTON. Mr. Speaker, I am pleased to introduce the Crime Victims Assistance Act of 2003 to benefit victims of crime here and throughout the country during a period when crime has increased as well as to help the police resolve more crimes. I commend the authors of the original bill introduced in the Senate by Judiciary Committee Ranking Member PATRICK LEAHY, Minority Leader TOM DASCHLE, and Senators JON CORZINE, DICK DURBIN, RUSS FEINGOLD, TIM JOHNSON, EDWARD KENNEDY, JOHN KERRY, PATTY MURRAY and CHARLES SCHUMER. The bill will provide enhanced rights and protections for victims of federal crimes and will assist victims of state crimes with grant programs designed to promote compliance with state victims rights laws. The bill requires that victims concerns be incorporated into decision-making throughout the proceedings. I have changed the Senate bill only to assure the safety of those who have a personal relationship (family or other) with the victim.

This bill is an alternative to the constitutional amendment approach proposed by some in the Congress. As a lawyer who specialized in constitutional matters early in my legal career, I am confident that the improved rights and benefits that victims justifiably seek are well within existing congressional authority to grant through the legislative process. The protracted constitutional process simply puts the most arduous, lengthy and, in this case, unnecessary process in the path toward the rights and funds crime victims need now.

The bill would be particularly valuable in the District and in other jurisdictions where many crimes, including state crimes are processed through the federal courts. Among the provisions that would benefit the District and many other jurisdictions is a section that protects victims from repeat offenders. The bill requires consultation with a victim prior to a detention hearing in order to obtain information that can be presented to the court on the issue of any threat that the suspected offender may pose to the safety of the victim. The bill also requires greater notification to the victim in case of the release, escape, parole or furlough of the offender.

There have been many reports of victim reluctance to testify out of fear of harm to a victim or her family. Understandable reluctance by a victim to expose herself to further victimization must be met with strong laws, concrete assistance and services, or crime will not be deterred.

I urge my colleagues to quickly bring relief and reassurance to victims of federal and state crimes by enacting the Crime Victims Assistance Act of 2003.

NO CHILD LEFT BEHIND ACT

HON. ROBERT E. ANDREWS

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. ANDREWS. Mr. Speaker I would like to include, for the RECORD, two written state-

ments on the No Child Left Behind Act. The first of these is an opinion piece detailing problems with the implementation of the NCLB, by Ms. Gail Cohen, a leader in the education community in southern New Jersey. The second piece is an opinion piece I wrote highlighting many of the same issues. The implementation of the NCLB Act has become a significant concern to our schools and our communities, and must be addressed immediately by the federal Department of Education.

ON THE NO CHILD LEFT BEHIND ACT
(By Gail Cohen)

How did 75% of New Jersey's public high schools—including some of the highest performing schools in the state—find themselves on an early warning list for not making "adequate yearly progress" toward certain student achievement benchmarks? Welcome to public education in the era of the No Child Left Behind Act—the well-intended but poorly conceived federal legislation that actually has very little to do with individual student achievement.

NCLB requires that all students meet proficiency levels on state tests by 2014. To reach 100% proficiency, states have set incremental benchmarks to determine Adequate Yearly Progress (AYP). These targets establish the percentage of students in each school—and the percentage of students in each of several subgroups within that school—who must score "proficient" or higher on state assessments.

No educator could argue with the objective of raising achievement for all students. That's the focus of every decision made in good school districts. No educator could argue with a plan that says student progress should be assessed and schools should be held accountable for that progress. In good school districts, assessments are used to inform instruction and direct professional development. However, the NCLB pegs the success of a school to the performance of students in disaggregated subgroups on a single state-developed standardized test—a test itself which has been questioned.

The federal government would have us use the industrial model of stamping out kids on a conveyor and assessing each in exactly the same way. Even Mother Nature has never achieved creation of two identical objects in this universe. All children can learn and, when given the appropriate supports, will demonstrate growth from year to year. For some students, measuring that growth may require an assessment different from the HSPA or other state standardized test. For example, a state-developed standardized assessment does not measure the progress of the autistic student who comes to school in September speaking just a few words and ends the year speaking complete sentences and developing social relationships. Has the school failed this student? Ask the student. What message are we sending to this child? Ask the parent, or the doctor who predicted the student would never get this far.

Imagine being a teenager having moved to this country just over a year ago. Aside from all of the issues associated with adapting to a new country, culture, school and language, you are expected to pass the same test as the teenager who has grown up in the community his whole life. You may be proficient in mathematics—you may, in fact, excel at it. Should we expect the student to be fluent enough in the language after one year to pass the same test as his/her peers who were born in this country? Could our students pass these same requirements in another country?

Clearly, the one-size-fits-all approach to assessment, as mandated by the NCLB, is un-

fair. Also unfair is the fact that the law paints an inaccurate picture of public education in our country. The legislation leaves its implementation details up to each individual state. So, for example, each state establishes its own benchmarks for Adequate Yearly Progress. Each state determines the number of students that must be in a subgroup in order for that subgroup's results to be counted. These variations make state-to-state comparisons nearly impossible.

In New Jersey a sub-group's test results will only count toward adequate yearly progress if there are 20 or more students in that group. The schools that are not on the state's early warning list appear to be mostly smaller schools with fewer than 20 students in that group. In Pennsylvania, there have to be 40 students in a sub group to count.

The reporting requirements of NCLB may cause communities to point to subgroups of students—our special education children, our children of poverty, our children of color—and say, "You're the reason our schools are failing."

How lucky we are in Cherry Hill to attract kids from neighboring urban areas, kids whose families are thrilled with the educational opportunities that our district provides. We know that the longer students are in Cherry Hill, the better they achieve. Under NCLB, after just a year in our district, those kids are expected to achieve proficiency, without regard to their background or the growth they have demonstrated since they arrived.

The intent behind the "No Child Left Behind" legislation is good. However, if legislators and educators are truly interested in all students achieving, if we are truly interested in improving education, then we need to assess individual student progress over time using multiple measures.

OP-ED ON NO CHILD LEFT BEHIND

(By Rep. Robert E. Andrews)

The federal Department of Education is seriously abusing New Jersey's schools. The Department just released an early warning list of New Jersey schools that are "failing" federal standards, according to the No Child Left Behind Act (NCLB). As anyone who lives in South Jersey knows, there is something seriously wrong with any such list when it includes top-notch middle schools, such as Haddonfield, Washington Township, Medford and Evesham.

The No Child Left Behind Act is a law with great potential to help children. But the Department of Education's implementation of the law fails to help anyone. There are two primary reasons for this failure. First, the Education Department has burdened school districts around the country with a "one size fits all approach." Local communities know best how to run their school districts, and they should be left alone, when successful, to do their jobs.

The second reason is a bias against public schools in some corners of the Bush Administration. By torturing the intent of the federal law, the Administration has been able to twist "objective" measures of progress into evidence of rapid decline. In so doing, the Administration has thrown public schools on the defensive. By making public schools appear unsuccessful, the Administration creates more rationale, and more momentum behind their anti-public school, pro-voucher agenda.

The Department of Education has badly misinterpreted the law. The Department has made a lot of very good schools look very bad by insisting that schools test and evaluate children in programs for special education and English as a Second Language using the same tests as those taken by mainstream students. These students' test scores